

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 07, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FIRST INTERSTATE BANK,

Plaintiff,

v.

WALL STREET APARTMENTS,
LLC, a Washington limited liability
company,

Defendant.

NO: 2:24-CV-0144-TOR

THIRD ORDER REMANDING CASE
TO STATE COURT

BEFORE THE COURT is Defendant's Motion to Expedite and Motion to Remand. ECF Nos. 5 and 6. These matters were submitted for consideration without oral argument. The Court has reviewed the briefing and the record and files herein and is fully informed. No further delay is warranted. This is the third time this case has been improperly removed to federal court.

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1 This case involves a state court receivership of an apartment building. Neil
2 E. Humphries asserts that he is the attorney for the Defendant Wall Street
3 Apartments, LLC. ECF No. 1. However, in State Court, a general receiver was
4 appointed for Wall Street Apartments, LLC., Barry W. Davidson. Mr. Davidson
5 and Wall Street Apartments, LLC are represented by Aaron D. Goforth of Randall
6 Danskin, PS.

7 Mr. Humphries contends this action is removable under 28 U.S.C. §§
8 1442(a)(1), 1443, and 1332.

9 The removal statutes require removal within 30 days of receipt of the case's
10 initial pleading. *See* 28 U.S.C. § 1446(b)(1). Here, Mr. Humphries once again has
11 not timely removed this action to Federal Court. This case started in state court
12 over twelve months ago. The first notice of removal was rejected as untimely
13 when it was filed on December 26, 2023. *See* USDC case number 2:23-CV-0376-
14 TOR. The second notice of removal was filed on April 5, 2024, well beyond the
15 30-day time limit. *See* USDC case number 2:24-CV-0115-TOR. Appeals were
16 filed in each of those cases. This third notice of removal was filed on May 2,
17 2024, well beyond the 30-day time limit. Additionally, Wall Street Apartments is
18 not a federal officer or agency and 28 U.S.C. § 1442 does not apply.

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1 **An order remanding the case may require payment of just costs and any**
2 **actual expenses, including attorney fees, incurred as a result of the removal.**
3 **28 U.S.C. § 1447(c).**

4 This untimely and unjustified third removal of this action to Federal Court
5 must be reversed and remanded back to state court.

6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

7 Defendant's Motion to Expedite and Motion to Remand, ECF Nos. 5 and 6,
8 are **GRANTED**. The Court hereby **REMANDS** this case to the Spokane County
9 Superior Court, State of Washington, former Case No. 23-2-01717-32, for all
10 further proceedings.

11 The District Court Clerk is directed to enter this Order, provide copies to
12 counsel and Alaa Elkhawily, mail a certified copy of this Order to the Clerk of the
13 Spokane County Superior Court, and **CLOSE** this file.

14 **DATED** May 7, 2024.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge